

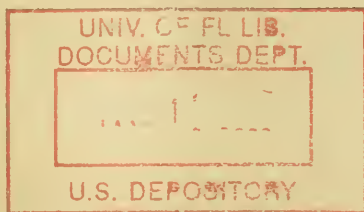
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

STAY MANUFACTURING
INDUSTRY

AS APPROVED ON FEBRUARY 26, 1934



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Approved Code No. 307

CODE OF FAIR COMPETITION
FOR THE
STAY MANUFACTURING INDUSTRY

As Approved on February 26, 1934

ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE STAY MANUFACTURING
INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Stay Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided that within ninety days I may direct that there be a further hearing on such of the provisions of said Code as I may designate, and that any order which I may make after such hearing shall have the effect of a condition on the approval of said Code; and provided further that the words "employee or" be eliminated from Article VII, Section 9.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEO. L. BERRY,
Division Administrator.

WASHINGTON, D.C.
February 26, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the approved Code of Fair Competition for the Stay Manufacturing Industry, the hearing on which was conducted in Washington on January 16, 1934, in accordance with the provisions of the National Industrial Recovery Act.

The minimum wages provided in this code are thirty-five cents (35¢) per hour for males and females, with the provision that when females of the skilled class perform the same work as males they are to receive the same rate of pay. Learners are to receive eighty per cent (80%) of the minimum wage, and such learner class is limited to five per cent (5%) of the total number of employees in any establishment.

The maximum hours provided in this code are forty (40) hours per week with an allowance of five (5) hours per week during any eight (8) weeks in a six (6) months' period, with the provision that all time in excess of eight (8) hours per day or forty (40) hours per week shall be paid at the rate of time and one-half.

No person under sixteen (16) years of age shall be employed or engaged in this industry. Home work in this industry shall be abolished on June 1, 1934.

The word "stay" as used in this industry, was originally interpreted to mean a piece of material used to reinforce, or strengthen, parts of shoes, sporting goods, and other articles usually made of leather. It has since been corrupted so that it now refers to reinforcements, trimmings of all kinds made in continuous lengths and otherwise, made of leather, imitation leather, and other fabrics in widths from one-sixteenth ($\frac{1}{16}$) of an inch to four (4) inches wide.

These products are sometimes folded in various ways, perforated, pinked, or painted with lacquer. In other cases two (2) or more units are combined by cementing or stitching. There are also bindings and interlacings in numerous forms and styles.

Approximately seventy-five per cent (75%) of the volume of the products of this industry are sold to the shoe manufacturing industry. A considerable volume, although a diminishing volume, is sold to the automobile trade. Bindings and seam weltings are furnished to the sporting goods manufacturers. Bindings, facings, and seam weltings are made for the spat and gaiter manufacturers. Seam weltings, pipings, and bindings are made for the pocketbook, bag and novelty leather manufacturers.

The industry is largely a service business as the majority of the products are manufactured on special order. No large inventories are kept by the manufacturers.

A proposed code was originally submitted in July, 1933. At that time the minimum wage proposed was thirteen dollars (\$13.00) per

week, and the hours were to be an average of forty (40) hours per week over a six (6) month period and permitting forty-eight (48) hours in any particular week. By their own volition the majority of the members of this industry operated under these provisions. This caused an increase of approximately twenty per cent (20%) in their payrolls, and approximately twenty per cent (20%) in the number of employees. The labor provisions in the approved code will cause another increase of twenty per cent (20%) in the payrolls and in the total number of employees, thus making a total increase of approximately forty per cent (40%) over the figures in the early part of 1933.

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

Respectfully,

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

FEBRUARY 26, 1934.

CODE OF FAIR COMPETITION FOR THE STAY MANUFACTURING INDUSTRY

ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Stay Manufacturing Industry, and its provisions shall be the standards of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "industry" as used herein is defined to mean the manufacturing, processing, and/or sale by manufacturer or processor of stays and trimmings of all kinds in continuous lengths or otherwise used on shoes or other articles of manufacture, on which these products, made either from leather, imitation leather, cloth, or other fabrics, are used, and includes, without limitation, dealing in such stays and trimmings which are manufactured or processed by others for sale under trade marks, trade names or descriptions other than those of the manufacturer or processor of such stays or trimmings.

SECTION 2. The term "member of the industry" includes, but without limitation, all those engaged in the industry either as an employer or on his own behalf.

SECTION 3. The term "employee" as used herein includes any and all persons engaged in the industry, however compensated, except a member of the industry.

SECTION 4. The term "learner" as used herein means unskilled workers with less than six weeks' experience in the industry.

SECTION 5. The term "Act" and "Administrator" as used herein mean respectively Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

ARTICLE III—HOURS

SECTION 1. No employee, including office and clerical employees, shall be permitted to work in excess of forty hours in any one week or eight hours in any twenty-four hour period, provided, however, that in special cases of emergency or where restriction of hours of skilled workers will delay urgent service to the trade served by the industry during any eight consecutive or non-consecutive weeks of a six month period (the first period to begin on January 15, 1933), employees may work not more than forty-five hours in any one week. Time in excess of eight hours in any twenty-four hour period or forty hours per week shall be paid on a basis of time and one-half.

SECTION 2. The provisions of this article shall not apply to:

(a) Persons who are employed in a managerial or executive capacity who earn thirty five dollars (\$35.00) or more per week, to outside salesmen, or to employees engaged in emergency repair work; provided that employees engaged in emergency repair work shall be paid at least one and one-half times their normal rate for all hours worked in excess of eight (8) hours in any twenty-four (24) hour period or forty (40) hours per week. Reports shall be made monthly to the Code Authority by every employer stating the number of hours so worked in excess of the maximum by emergency repair workers.

(b) Firemen and Engineers who shall not be permitted to work in excess of fifty (50) hours per week during normal periods and fifty-five (55) hours during peak periods as described in Section 1 of this article.

(c) Watchmen who shall not be permitted to work in excess of sixty (60) hours in any one week.

SECTION 3. The provisions of Section 1 of this article shall apply to employers (owners, partners, officers, members of the industry,) engaged in a productive capacity, but shall not apply to members of the industry who are exclusively or wholly engaged in an executive or administrative capacity.

SECTION 4. No employee shall be permitted to work more than five (5) days in any calendar week, except employees specified in Section 2.

SECTION 5. No employer shall knowingly permit an employee to work for any time which, when totaled with that already performed with another employer or employers, exceeds the maximum hours permitted herein.

ARTICLE IV—WAGES

SECTION 1. No employee shall be paid less than at the rate of thirty-five cents (35¢) per hour, provided, however, that learners during a six (6) week period may be paid at a rate not less than eighty (80) per cent of the minimum rate; such learner class, however, shall not consist of more than five (5) per cent of all employees in any establishment, but any establishment may have at least one such employee.

SECTION 2. This article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piece-work, or other basis, such piece-work or other basic rate of compensation above the minimum, however, is to be determined by the average capacity of regular workers.

SECTION 3. The Code Authority may present for approval to the Administrator, after notice and hearing, recommendations as to upward adjustments in minimum wages generally or for specified localities or occupations, in order to effectuate the purposes of the Act.

SECTION 4. There shall be an equitable adjustment of all wages above minimum, and to that end, within sixty (60) days or two months from the approval of this Code, the Code Authority shall submit for the approval of the Administrator a proposal for adjustment in wages above the minimum. Upon approval by the Administrator, after such hearing as he may prescribe, such proposal shall

become binding as a part of this code, provided, however, that in no event shall prevailing hourly rates of pay be reduced.

SECTION 5. Female employees of the skilled class who perform the same work as male employees shall receive the same rate of pay as male employees.

SECTION 6. A person whose earning capacity is limited because of age or physical or mental handicap or other incapacity may be employed on light or unskilled work, at a wage below the minimum established by this code, if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate, provided, however, that the number of such employees shall not be in excess of five (5) per cent of the total number of employees in any establishment, but any establishment may have at least one such employee. Each employer shall file with the Code Authority a list of all such persons employed by him.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator thirty (30) days after the effective date of the code, a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SECTION 2. In compliance with Section 7—(a) of the Act, it is provided:

(a) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) That no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing, and

(c) That employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SECTION 3. No employer shall reclassify employees or duties of occupations performed, or engage in any other subterfuge so as to defeat the purposes or provisions of the Act or of this Code, and in this connection, employees engaged in two or more occupations or positions having different duties connected therewith, one or more of which being limited by maximum hours, shall be classified under the limited hours position which is limited to the fewer number of hours per week, and shall not be permitted to work a total number of hours in excess of those prescribed for such position.

SECTION 4. Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment.

SECTION 5. No provision in this code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection than are imposed by this code.

SECTION 6. No home work shall be permitted in this industry after June 1, 1934.

SECTION 7. All employers shall post copies of all labor provisions of this code in conspicuous places accessible to employees.

ARTICLE VI—ORGANIZATION POWERS AND DUTIES OF THE CODE AUTHORITY

SECTION 1. There shall forthwith be constituted a Code Authority consisting of the members of the Executive Committee of the National Association of Stay Manufacturers.

SECTION 2. In addition to membership as above provided, not more than three members, without vote, may be appointed by the Administrator.

SECTION 3. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 4. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the composition and method of selection of the Code Authority.

SECTION 5. Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

SECTION 6. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under

this Code, except for his own willful malfeasance, or misfeasance, or nonfeasance.

SECTION 7. The Code Authority shall have the following further powers and duties, and if the Administrator shall determine that any action of the Code Authority or any agency thereof is unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended for a period of not to exceed thirty (30) days to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall be taken only upon approval by the Administrator.

(a) To insure the execution of the provisions of this code and provide for the compliance of the industry therewith.

(b) To adopt by laws and rules and regulations for its procedure and for the administration and enforcement of the Code.

(c) To obtain from members of the industry such information and reports as are required for the Administration of the Code and to provide for submission by members of such information and reports as the administrator may deem necessary, and, in addition to information required to be submitted to the Code Authority, all or any of the persons subject to such code, agreement, or license shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3.—(a) of the Act to such Federal and State agencies as the Administrator may designate; nor shall anything in any code, agreement, or license relieve any person of any existing obligation to furnish reports to Government agencies. No individual reports shall be disclosed to any other member of the industry or any other party except to such governmental agencies as may be designated by the Administrator.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code.

(e) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to the industry or affect members of this industry.

(f) To secure from members of the industry an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

(g) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the industry who have assented to, and are complying with, this Code.

(h) To recommend to the Administrator further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

ARTICLE VII—TRADE PRACTICE RULES

The following practices constitute unfair methods of competition of the industry and are prohibited:

SECTION 1. *Inaccurate Advertising.*—No member of the industry shall publish advertising (whether printed, radio, display or of any other nature), which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any goods (including, but without limitation, its use, trademark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

SECTION 2. *False Billing.*—No member of the industry shall withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

SECTION 3. *Inaccurate Labeling.*—No member of the industry shall brand or mark or pack any goods in any manner which is intended to or does deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material content or preparation of such goods.

SECTION 4. *Inaccurate References to Competitor, etc.*—No member of the industry shall publish advertising which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services.

SECTION 5. *Threats of Law Suits.*—No member of the industry shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

SECTION 6. *Secret Rebates.*—No member of the industry shall offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, nor shall a member of the industry secretly offer or extend to any customer any special service or privilege for the purpose of influencing a sale.

SECTION 7. *Selling on Consignment.*—No member of the industry shall ship goods on consignment except under circumstances to be defined by the Code Authority, where peculiar circumstances of the industry require the practice.

SECTION 8. *Bribing Employees.*—No member of the industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinbefore defined.

SECTION 9. *Interference with Another's Contracts.*—No member of the industry shall attempt to induce the breach of an existing contract between a competitor and his employee or customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.¹

SECTION 10. *Coercion.*—No member of the industry shall require that the purchase or lease of any goods be a prerequisite to the purchase or lease of any other goods.

¹ See paragraph 2 of order approving this Code.

SECTION 11. *Blacklisting*.—No member of the industry shall join or participate with other members of the industry who with such member constitute a substantial per cent of the business in any specific product or products of the industry, in any transaction known in law as a blacklist, including any practice or device (such as a whitelist), which accomplishes the purpose of a blacklist.

SECTION 12. *Discounts*.—Discounts for cash shall not be in excess of five (5) per cent. The general terms of the industry shall be five (5) per cent tenth of month following purchase; three (3) per cent twenty-fifth of month following purchase; net thereafter for thirty (30) days, after which interest will be charged at the rate of six (6) per cent per annum. No post datings shall be permitted.

SECTION 13. *Return of Merchandise*.—The acceptance for credit of returned goods made according to bona fide orders, shall constitute unfair competition. The granting of credit for, or allowance made for defective goods or for goods not made according to specifications, if claim is not made within fifteen days after receipt of merchandise by the customer, shall constitute unfair competition.

SECTION 14. *Labor Jobs*.—No member of the industry shall invoice work done on materials destined for the shoe industry on a basis of "labor cost only." When material is furnished by the customer such material must be billed by the customer to the manufacturer at the fair market price.

SECTION 15. *Blanket and Future Orders*.—The soliciting and acceptance of blanket and future orders, with no specifications as to time of delivery, for a quantity of merchandise beyond the customer's reasonable requirements, for the purpose of according to the customer a lower quantity price than would be justified by his actual purchases, is unfair trade practice, and constitutes a violation of this Code. All blanket and future orders accepted by any member of the industry must be bona fide orders and must provide that the entire quantity on the order must be accepted by the purchaser within a reasonable time but in no case to exceed four months.

SECTION 16. Members of this industry shall abide by the trade term provisions of the approved code of their suppliers.

ARTICLE VIII—STANDARD ACCOUNTING

SECTION 1. The Code Authority shall as soon as practicable, formulate a uniform and standard method of accounting and costing for the industry and submit the same to the Administrator for his approval. When it shall have been approved by the Administrator after such notice and hearing as may be necessary every member of the industry shall use an accounting and costing method which conforms to the principles of and is at least as detailed and complete as such uniform standard method.

SECTION 2. After approval of said cost accounting method as above provided, no member shall sell any product of the industry at less than the cost thereof to such member, which cost shall be determined pursuant to the method of accounting and costing prescribed by Section 1 of this article as soon as such method is approved. Until such method of accounting is approved a schedule of minimum cost factors shall be prescribed by the Code Authority subject to the approval

of the Administrator, and members of the industry shall not sell below their costs as determined in accordance with cost factors contained in such schedule until such time as the standard method of accounting and costing is approved in accordance with Section 1 hereof. Provided, however, that all sales of perishable, obsolete or distress merchandise, sometimes called "jobs" which are sold below the minimum prices for regular similar goods determined in accordance with either manner of cost determination provided for herein shall be reported immediately to the Secretary of the Code Authority in such detail as he may require as to quantity, nature, and origin of the goods sold; and provided further that any member of the industry shall be permitted to sell below his cost as determined in accordance with Section 1 hereof to meet a competitor's price if said competitor's price is not violative of this article.

ARTICLE IX—MODIFICATIONS

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of sub-section (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under said Act.

SECTION 2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modifications to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the Administrator.

ARTICLE X—MONOPOLIES, ETC.

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XI—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases, except such as may be required to meet individual cost, should be delayed, but when made such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

ARTICLE XII—EFFECTIVE DATE

This Code shall become effective on the tenth day after its approval.

Approved Code No. 307.
Registry No. 1655-01.

UNIVERSITY OF FLORIDA



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